

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In Re: Donald David Habermehl, Jr.
Debtor

CASE NO: 14-25236-SVK-13

GREEN TREE SERVICING LLC, its successors, servicing agents, and/or assigns

Vs.

NOTICE OF MOTION FOR RELIEF FROM
AUTOMATIC STAY AND ABANDONMENT

DONALD DAVID HABERMEHL, JR.
AND MARY B. GROSSMAN, TRUSTEE

GREEN TREE SERVICING LLC, its successors, servicing agents, and/or assigns

(hereinafter referred to as "Movant") by its attorneys J Peterman Legal Group Ltd., has filed papers to request that the Court grant it relief from the automatic stay imposed by Sec. 362(a) of the Bankruptcy Code and for abandonment of property of the estate.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought by the Movant in this Motion, or if you want the Court to consider your views on this Motion, then, **within fourteen (14) days of the date of this Notice**, you or your attorney must file a written objection with the Court and request a hearing. Your objection must be sent to:

Bankruptcy Clerk of Court
US Courthouse
517 E. Wisconsin Avenue
Milwaukee, WI 53202

If you mail your objection and request for hearing to the Court for filing, you must mail it early enough so that the Court will receive it within fourteen (14) days of the date of this Notice.

J Peterman Legal Group Ltd. 165 Bishops Way, Suite 100
Brookfield, WI 53005 262-790-5719 shannon@jplegalgroup.com

You must also mail a copy of your objection and request for hearing to Movant's Attorney:

Shannon K. Cummings
J Peterman Legal Group Ltd.
165 Bishops Way, Suite 100
Brookfield, WI 53005

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief and abandonment as requested.

Dated this 13 day of January, 2015

J Peterman Legal Group Ltd.

/s/

By: Shannon K. Cummings

Prepared By:
Shannon K. Cummings
J Peterman Legal Group Ltd.
165 Bishops Way, Suite 100
Brookfield, WI 53005
262-790-5719
shannon@jplegalgroup.com

J Peterman Legal Group Ltd. is the creditor's attorney and is attempting to collect a debt on its client's behalf, and any information obtained will be used for that purpose.

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MOTION FOR RELIEF FROM AUTOMATIC
STAY AND ABANDONMENT

DONALD DAVID HABERMEHL, JR.
AND MARY B. GROSSMAN, TRUSTEE

GREEN TREE SERVICING LLC, its successors, servicing agents and/or assigns (hereinafter referred to as Movant) by and through its attorneys, J Peterman Legal Group Ltd., moves the court pursuant to Sec. 362(d) and Sec. 554 (b) of the Bankruptcy Code for an order granting it relief from the automatic stay that was imposed by Sec. 362(a) of the Bankruptcy Code and for an Order of abandonment and herein alleges as follows:

1. Donald David Habermehl, Jr., (Debtor) filed a petition under Chapter 13 on April 28, 2014.
2. On May 5, 2006, Debtor executed a promissory Note evidencing a mortgage loan. The promissory Note is secured by a perfected Mortgage on the real property owned by the Debtor located at 5136 West Plainfield Avenue, Milwaukee, WI 53220. A copy of said secured Mortgage is attached hereto and incorporated herein by reference and/or documents revealing the current mortgagee of record.
3. That monthly Mortgage payments have not been received on the above referenced mortgage loan as required by the terms of the Debtor proposed Plan in this case thereby constituting just cause for terminating the automatic stay that has been imposed.

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4. The Debtor mortgage loan is currently in default and is reflecting post-petition arrears as follows:

9 payments @ \$1,348.30	May 1, 2014 to January 1, 2015	\$12,134.70
Filing Cost		\$176.00
Attorney Fees		\$850.00
Less Suspense Balance		(-0.38)
Grand Total		\$13,160.32

5. The assessed value of the property is \$136,700.00 according to information provided on behalf of the Treasurer, and the Debtor's Payoff on said mortgage loan good through January 10, 2015 is estimated to be \$145,832.82.
6. The real estate property tax balance showing due on the subject property at this time is \$0.00.
7. The Movant needs to be provided with current proof that adequate homeowner's insurance is in effect on the subject property and that the Movant is properly shown as an additional insured.
8. If the Movant is not granted the relief described herein then it will suffer injuries, losses and/or damages as it does not have adequate protection from the Debtor with regard to its secured interest in the subject property.
9. Should the Movant be granted the relief requested in this Motion, any Order granting the requested relief shall take effect immediately thereby waiving the 14 day stay as described by Bankruptcy Rule 4001 (a)(3).
10. Based on the preceding allegations, the subject property is burdensome to the estate and is of inconsequential value and benefit to the estate.
11. If this Motion is granted, the Movant will withdraw its proof(s) of claim. If the proof of claim is withdrawn, the Movant should no longer be required to provide the notices required by Bankruptcy Rule 3002.1.

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WHEREFORE, Movant requests:

1. Pursuant to Sec. 362(d)(1) of the Bankruptcy Code, an Order for Relief from the automatic stay as it pertains to the Debtor and the subject property of the estate based on just cause being shown thereby allowing Movant to exercise and enforce its rights pursuant to said Note and Mortgage.
2. Pursuant to Sec. 554 (b) of the Bankruptcy Code, an Order that the Trustee has abandoned the estate's interest in the subject property.
3. Upon withdrawal of its proof(s) of claim, Movant should no longer be required to provide the notices required by Bankruptcy Rule 3002.1.
4. That the Movant's legal fees and costs associated with this Motion be approved.
5. That any Order entered pursuant to this Motion shall take effect immediately upon its entry thereby waiving the 14 day stay as described by Bankruptcy Rule 4001 (a)(3).
6. Any further relief that the Court may deem just and equitable.

Dated this 13 day of January, 2015

J Peterman Legal Group Ltd.

/s/

By: Shannon K. Cummings

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Debtor

CASE NO: 14-25236-SVK-13
AFFIDAVIT OF SERVICE

STATE OF WISCONSIN)
WAUKESHA COUNTY)

The affiant, being first duly sworn on oath, deposes and states that a copy of the Notice of Motion and Motion for Relief and Abandonment in the above entitled action was served on January 13, 2015 by Electronic Case Filing, to the following persons at the following addresses:

Mary B. Grossman, Trustee
P.O. Box 510920
Milwaukee, WI 53203

Office of the U.S. Trustee - Eastern
517 East Wisconsin Avenue, Room 430
Milwaukee, WI 53202

Attorney Abraham Pinon
55 E. Monroe St., Suite #3400
Chicago, IL 60603

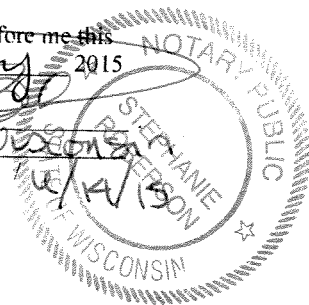
J Peterman Legal Group Ltd.

Name: Tera Eli

Subscribed and sworn to before me this
13 day of January, 2015

[Signature]
Notary Public, State of Wisconsin

My commission expires: 1/14/15



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AFFIDAVIT OF SERVICE

STATE OF WISCONSIN)
WAUKESHA COUNTY)

The affiant, being first duly sworn on oath, deposes and states that a copy of the Notice of Motion and Motion for Relief and Abandonment in the above entitled action was served on January 13, 2015 by first class mail, postage prepaid, to the following persons at the following addresses:

Donald David Habermehl, Jr.
5136 West Plainfield Avenue
Milwaukee, WI 53220

Attorney Abraham Pinon
55 E. Monroe St., Suite #3400
Chicago, IL 60603

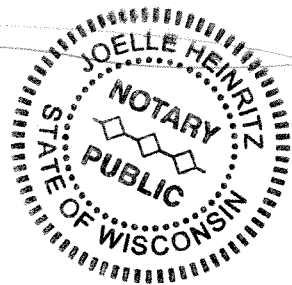
*** Please see attached page(s) for additional Creditors if needed ***

J Peterman Legal Group Ltd.

Name: Sarah Bennett

Subscribed and sworn to before me this
13 day of January, 2015

[Signature]
Notary Public, State of WI
My commission expires: 7/23/17



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Brookfield, WI 53005 262-790-5719 shannon@jplegalgroup.com

Bayview Financial Loan

Attn: Bankruptcy Dept.
4425 Ponce De Leon Blvd
Coral Gables, FL 33146

BAYVIEW LOAN SERVICING, LLC

4425 PONCE DE LEON BLVD, 5TH FLOOR
CORAL GABLES, FLORIDA 33146

Equifax

Attn: Bankruptcy Dept.
PO Box 740241
Atlanta, GA 30374

Experian

Attn: Bankruptcy Dept.
PO Box 2002
Allen, TX 75013

Falls Collection SVC

Attn: Bankruptcy Dept.
Po Box 668
Germantown, WI 53022

Gray & Associates

2013CV008494
16345 West Glendale Dr.
New Berlin, WI 53151

Land Home Financial Services

PO Box 25184
Santa Ana, CA 92799

Milwaukee County Circuit Court

2012CV001307
901 N. 9th ST.
Milwaukee, WI 53233

Milwaukee County Circuit Court

2013CV008494
901 N. 9th ST.
Milwaukee, WI 53233

Seterus

Attn: Bankruptcy Dept.
14523 Sw Millikan Way St
Beaverton, OR 97005

Transunion

Attn: Bankruptcy Dept.
PO Box 1000
Chester, PA 19022

UrgiMed Walk In Medical Clinic

Falls Collection Svc.
P.O. Box 668
Germantown, WI 53022

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